IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2095 of 2005

Between:

1 M/s.Safeway Auto Networks Pvt.Ltd., Regd.Office at 204-A,

Maheshwari Towers, Road No.1, Banjara Hills, Hyderabad, rep., by

its Managing Director.
2 K.Venkat Sai Ram Kishore, s/o K.Madhava Rao, r/o 204-A,

Maheshwari Towers, Road No.1, Banjara Hills, Hyderabad.
3 K.Ramkumar, s/o K.Madhava Rao, r/o 204-A, Maheshwari Towers,

Road No.1, Banjara Hills, Hyderabad.

..... PETITIONERS

AND

1 The Station House Officer, P.S., Panjagutta, Hyderabad.
2 Gajawada Devender, s/o Murali, r/o Lingampet, Lingampet Mandal,

Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the first respondent in registering the crime vide FIR No.147/2005 basing on the complaint of the second respondent and thereby interfering with the business activity of the petitioner company as illegal, arbitrary, without jurisdiction and set aside the FIR NO.147/2005 DT.5-2-2005 on the file of first respondent and pass such other order or orders as may deem

fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.CH.NAIDU

Counsel for Respondent No.1: GP FOR HOME

Counsel for Respondent No.2: None appeared

The Court at the stage of admission made the following ORDER:

The petitioners challenge the action of the first respondent in registering Crime No.147 of 2005. It is alleged that even if the complaint, which constitute the basis for the F.I.R., is true, there is nothing in it which points any criminal activity on the part of the petitioners. It is also stated that the main allegation was against one Mr. Srinivas and it was not even alleged that the petitioners had any dealings or transactions with the complainants therein.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

The scope of interference with F.I.Rs. by this Court in writ petitions is very limited. It is only where the prosecution is tainted with *mala fides* or where it is prohibited by law that this Court can interfere. Further, it is not as if the names of the petitioners are not mentioned in the complaint. The complainant had narrated his grievance and ultimately named the petitioners herein. The truth or otherwise of the allegations against the petitioners needs to be considered either during the course of investigation or in the trial of the matter. This Court does not find any basis to interfere with the same, at this stage. However, it needs to be observed that in the name of the investigation, the respondents cannot interfere with the business of the petitioners. They can, certainly, examine the individuals concerned during the course of investigation.

Hence, the writ petition is disposed of directing that it shall be open to the

respondents to proceed with the investigation, but in that process they shall not interfere with the business of the petitioners, except by taking recourse to the proceedings under law. There shall be no order as to costs.

14.02.2005

ksld

To

1. The Station House Officer, P.S., Panjagutta, Hyderabad.
2. Two C.Cs. to the Government Pleader for Home, High Court of A.P., Hyderabad, (OUT).
3. Two C.D. Copies.